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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re Lithium Ion Batteries Antitrust Litigation

Case No. 13-md-02420-YGR

MDL No. 2420

This Document Relates To:

ALL ACTIONS

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
TIME TO FILE AMENDED
COMPLAINT AND RESPONSIVE
PLEADINGS**

1 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(4)(A), Defendants have until October 16,
2 2014, to serve responsive pleadings to the Direct Purchaser Plaintiffs' ("DPPs") Second
3 Consolidated Amended Complaint and the Indirect Purchaser Plaintiffs' ("IPPs") Corrected
4 Consolidated Second Amended Class Action Complaint;

5 WHEREAS, Defendants have conferred with the DPPs and IPPs to request an extension of
6 time to serve responsive pleadings due to the complexity and length of the complaints; and

7 WHEREAS, IPPs have conferred with Defendants to request Defendants' consent to file a
8 further amended complaint;

9 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the
10 undersigned DPPs, IPPs, and Defendants (the "Parties"), as follows:

11 1. Defendants consent, pursuant to Fed. R. Civ. P. 15(a)(2), to IPPs filing an amended
12 complaint limited to (i) the addition of the Hawaii claim and plaintiff described in IPPs' Statement
13 of Compliance Re Administrative Termination (ECF No. 505); (ii) the removal of named
14 plaintiffs; and (iii) the amendments permitted by the Court's Omnibus Order re: Motions to
15 Dismiss the Second Consolidated Amended Complaints of Direct and Indirect Purchaser Plaintiffs
16 (ECF No. 512) at 78. Defendants' consent shall not be construed as a waiver of Defendants' right
17 to move to dismiss the amended claim(s), if appropriate, or otherwise present defenses pursuant to
18 Fed. R. Civ. P. 12. However, Defendants shall not be permitted to re-file motions to dismiss that
19 raise the same arguments previously raised and rejected in earlier-filed motions.

20 2. IPPs shall file their amended complaint no later than October 22, 2014.

21 3. Defendants' time to serve responsive pleadings to the DPPs' Second Consolidated
22 Amended Complaint and the IPPs' operative complaint shall be extended to November 21, 2014.

23 4. Except for the provisions set forth above, nothing in this stipulation shall affect the
24 Parties' rights to seek leave to amend their pleadings, or to oppose leave, as appropriate in
25 accordance with Fed. R. Civ. P. 15.

26 5. This stipulation does not affect any other pending deadlines, including any
27 forthcoming case management or discovery schedule.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 17, 2014


HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

DATED: October 16, 2014

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